

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

ARCELIA MUNIZ, EVENCIO GARCIA, and  
AGUSTIN GARCIA GONZALEZ,

PLAINTIFFS

v.

PITTMAN PROPERTIES LIMITED PARTNERSHIP #1,  
D&M PITTMAN, INC., DAWOOD AYDANI, and  
MICKEY H. PITTMAN

DEFENDANTS

and

Case No. 1:07-CV-1073

PITTMAN NURSERY CORPORATION

CROSS-PLAINTIFF

v.

PITTMAN PROPERTIES LIMITED PARTNERSHIP #1,  
D&M PITTMAN, INC., DAWOOD AYDANI,  
MICKEY H. PITTMAN, LYNN AYDANI,  
and LAWANDA JONES

CROSS-DEFENDANTS

Memorandum Opinion and Order

Before the Court is Plaintiffs' Unopposed Motion to Dismiss certain Defendants from certain causes of action (Doc. 238). This Motion is hereby **GRANTED**, and Defendants Pittman Properties Limited Partnership #1, D&M Pittman, Inc., and Mickey H. Pittman (Ketchum) are hereby dismissed with prejudice from:

1. Plaintiffs' first cause of action, paragraphs one (1) through four (4) of Plaintiffs' Second Amended Complaint (Doc. 132), based upon alleged violations of the Fair Labor Standards Act and related Arkansas law codified at Ark. Code Ann. § 11-4-210;

2. Plaintiffs' fourth cause of action, paragraphs fifteen (15) and sixteen (16) of Plaintiffs' Second Amended Complaint (Doc. 132), identified as "Arkansas Statutory claims"; and

3. Plaintiffs' fifth cause of action, paragraphs seventeen (17) through twenty-six (26) of Plaintiffs' Second Amended Complaint (Doc. 132), based upon allegations of Negligent Supervision.

Trial of this matter is currently set for the week of September 26, 2011. The following claims remain for trial: Plaintiffs' second and third causes of action against Defendants Pittman Properties Limited Partnership #1, D&M Pittman, Inc., and Mickey H. Pittman (Ketchum); Plaintiffs' first, second, third, and fourth causes of action against Defendant Dawood Aydani; and Cross-Plaintiff Pittman Nursery Corporation's Cross-claims 1-2 (as amended by order of the Court, Doc. 230), 3-7, and 9-11 against Cross-Defendants Pittman Properties Limited Partnership #1, D&M Pittman, Inc., Dawood Aydani, Mickey H. Pittman (Ketchum), Lynn Aydani, and Lawanda Jones.

It is so **ORDERED** this 22nd day of August 2011.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge